

David Molton (DM 1106)
Andrew Dash (AD 7913)
BROWN RUDNICK LLP
Seven Times Square
New York, New York 10036
Telephone: (212) 209-4800

Leo R. Beus *pro hac vice*
Dennis K. Blackhurst *pro hac vice*
BEUS GILBERT PLLC
4800 North Scottsdale Road, Suite 6000
Scottsdale, Arizona 85251
Telephone: (480) 429-3000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
In re REFCO INC. SECURITIES LITIGATION	:	Case No. 07-md-1902 (GEL)
	:	
-----X	:	

This Document Relates to:

-----X	:	
KENNETH M. KRYN and CHRISTOPHER	:	
STRIDE, as JOINT OFFICIAL LIQUIDATORS	:	
of SPHINX LTD., SPHINX STRATEGY FUND	:	Case No. 08-cv-3065 (GEL)
LTD.;	:	Case No. 08-cv-3086 (GEL)
SPHINX PLUS SPC LTD., SPHINX	:	
DISTRESSED LTD., SPHINX MERGER	:	
ARBITRAGE LTD.; SPHINX SPECIAL	:	
SITUATIONS LTD., SPHINX MACRO LTD.;	:	
SPHINX LONG/SHORT EQUITY LTD.;	:	
SPHINX MANAGED FUTURES LTD.; SPHINX	:	NOTICE OF MOTION FOR
EQUITY MARKET NEUTRAL LTD.; SPHINX	:	LEAVE TO MAKE
CONVERTIBLE ARBITRAGE LTD.; SPHINX	:	SUBSTITUTED SERVICE
FIXED INCOME ARBITRAGE LTD.; SPHINX	:	ON DEFENDANT
DISTRESSED FUND SPC; SPHINX MERGER	:	CHRISTOPHER SUGRUE
ARBITRAGE FUND SPC; SPHINX SPECIAL	:	PURSUANT TO
SITUATIONS FUND SPC; SPHINX MACRO	:	<u>FED. R. CIV. P. 4(f)(3)</u>
FUND SPC; SPHINX LONG/SHORT EQUITY	:	
FUND SPC; SPHINX MANAGED FUTURES	:	
FUND SPC; SPHINX EQUITY MARKET	:	
NEUTRAL FUND SPC; SPHINX	:	
CONVERTIBLE ARBITRAGE FUND SPC;	:	

SPHINX FIXED INCOME ARBITRAGE FUND :
 SPC; PLUSFUNDS MANAGED ACCESS FUND :
 SPC LTD.; KENNETH M. KRYS and :
 CHRISTOPHER STRIDE as assignees of claims :
 assigned by MIAMI CHILDREN'S HOSPITAL :
 FOUNDATION, OFI, GREEN & SMITH :
 INVESTMENT MANAGEMENT LLC, THALES :
 FUND MANAGEMENT LLC, KELLNER :
 DILEO & CO., LLC, MARTINGALE ASSET :
 MANAGEMENT LP, LONGACRE FUND :
 MANAGEMENT LLC, ARNHOLD & S. :
 BLEICHROEDER ADVISERS LLC, PICTET & :
 CIE, RGA AMERICA REINSURANCE :
 COMPANY, DEUTSCHE BANK (SUISSE) SA, :
 ARAB MONETARY FUND, HANSARD :
 INTERNATIONAL LTD., CONCORDIA :
 ADVISORS LLC, GABELLI SECURITIES, INC., :
 CITCO GLOBAL CUSTODY; and JAMES :
 P. SINCLAIR as Trustee of the SPHINX TRUST, :

Plaintiffs, :

-against- :

CHRISTOPHER SUGRUE; MARK :
 KAVANAGH; BRIAN OWENS; :
 PRICEWATERHOUSECOOPERS L.L.P.; MARI :
 FERRIS; PRICEWATERHOUSECOOPERS :
 CAYMAN ISLANDS; GIBSON, DUNN & :
 CRUTCHER LLP; REFCO ALTERNATIVE :
 INVESTMENTS LLC; GRANT THORNTON :
 LLP; MARK RAMLER; ERNST & YOUNG U.S. :
 LLP; MAYER BROWN LLP f/k/a MAYER :
 BROWN ROWE & MAW LLP; JOSEPH :
 COLLINS; EDWARD S. BEST; PAUL KOURY; :
 PHILLIP R. BENNETT; ROBERT C. TROSTEN; :
 TONE GRANT; SANTO MAGGIO; THOMAS :
 HACKL; DENNIS KLEJNA; BAWAG P.S.K. :
 BANK FUR ARBEIT UND WIRTSCHAFT UND :
 OSTERREICHISCHE POSTPARKASSE :
 AKTIENGESELLSCHAFT; JP MORGAN :
 CHASE & CO.; CREDIT SUISSE SECURITIES :
 (USA) LLC f/k/a CREDIT SUISSE FIRST :
 BOSTON LLC; BANC OF AMERICA :
 SECURITIES LLC; THOMAS H. LEE :

PARTNERS, L.P.; THOMAS H. LEE :
 ADVISORS, LLC; THL MANAGERS V, LLC; :
 THL EQUITY ADVISORS V, L.P.; THOMAS H. :
 LEE EQUITY FUND V, L.P.; THOMAS H. LEE :
 PARALLEL FUND V, L.P.; THOMAS H. LEE :
 EQUITY (CAYMAN) FUND V, L.P.; THOMAS :
 H. LEE INVESTORS LIMITED PARTNERSHIP; :
 1997 THOMAS H. LEE NOMINEE TRUST; :
 THOMAS H. LEE; DAVID V. HARKINS; :
 SCOTT L. JAECKEL; SCOTT A. SCHOEN; :
 WILLIAM T. PIGOTT; LIBERTY CORNER :
 CAPITAL STRATEGIES, LLC; EMF :
 FINANCIAL PRODUCTS LLC; EMF CORE :
 FUND LTD.; DELTA FLYER FUND LLC; ERIC :
 M. FLANAGAN; INGRAM MICRO, INC.; CIM :
 VENTURES, INC.; BECKENHAM TRADING :
 CO., INC.; ANDREW KRIEGER; COAST :
 ASSET MANAGEMENT, LLC, f/k/a COAST :
 ASSET MANAGEMENT LP; CS LAND :
 MANAGEMENT LLC; CHRISTOPHER :
 PETTIT; and REFCO GROUP HOLDINGS, :
 INC.; and REFCO ASSOCIATES, INC., :
 :
 Defendants :
 -----X

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jessica C. Calagione dated July 24, 2008 (the “Calagione Declaration”), and the exhibits attached thereto, and the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for Substituted Service dated July 24, 2008, plaintiffs Kenneth M. Kryns, *et al.*, by and through their undersigned counsel, will move this Court for an Order, pursuant to Federal Rule of Civil Procedure 4(f)(3), permitting substituted service of process on defendant Christopher Sugrue.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), any opposition to this motion shall be served within ten (10) business days after service of the moving papers.

Dated: New York, New York
July 24, 2008

Respectfully submitted,

BROWN RUDNICK LLP

By: s/ Andrew Dash

David J. Molton (DM 1106)
Andrew Dash (AD 7913)
Seven Times Square
New York, New York 10036
Telephone: (212) 209-4800
dmolton@brownrudnick.com
adash@brownrudnick.com

and

BEUS GILBERT PLLC

Leo R. Beus *pro hac vice*
Dennis K. Blackhurst *pro hac vice*
4800 North Scottsdale Road, Suite 6000
Scottsdale, Arizona 85251
Telephone: (480) 429-3000
lbeus@beusgilbert.com
dblackhurst@beusgilbert.com

Co-Counsel for Plaintiffs

TO:

Phillip D. Anker, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, New York 10022
*Counsel to Defendants JP Morgan Chase & Co.,
Credit Suisse Securities (USA) LLC (formerly
Credit Suisse First Boston LLC), and
Banc of America Securities LLC*

David Mollon, Esq.
Winston & Strawn LLP
200 Park Avenue
New York, New York 10166
*Counsel to Defendants Grant Thornton LLP
and Mark Ramler*

Thomas G. Ward, Esq.
Williams & Connolly LLP
725 12th Street, N.W.
Washington, D.C. 20005
*Counsel to Defendants Mayer Brown LLP
and Edward S. Best*

Anthony M. Candido, Esq.
Clifford Chance US LLP
31 West 52nd Street
New York, New York 10019
*Counsel to the UK Limited Liability Partnership
Mayer Brown International LLP*

Greg Danilow, Esq.
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153-0119
*Counsel to Defendants Thomas H. Lee Partners L.P.,
Thomas H. Lee Advisors LLC, THL Managers V, LLC,
THL Equity Advisors V., L.P., Thomas H. Lee Equity
Fund V, L.P., Thomas H. Lee Parallel Fund V., L.P.,
Thomas H. Lee Equity (Cayman) Fund V., L.P.,
Thomas H. Lee Investors Limited Partnership,
1997 Thomas H. Lee Nominee Trust, Thomas H. Lee,
David V. Harkins, Scott A. Schoen, and Scott L. Jaeckel*

James J. Capra, Esq.
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, New York 10103-0001
*Counsel to Defendants
PricewaterhouseCoopers LLP and
Mari Ferris*

Nicolle L. Jacoby, Esq.
Dechert LLP
1095 Avenue of the Americas
New York, New York 10036
Counsel to Defendant BAWAG

David W. Wiltenburg, Esq.
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, New York 10004
*Counsel to Defendant PricewaterhouseCoopers
Cayman Islands*

Gregory P. Joseph, Esq.
Gregory P. Joseph Law Offices LLC
485 Lexington Ave, 30th Floor
New York, New York 10017
Counsel to Defendant Gibson, Dunn & Crutcher LLP

Christopher R. Harris, Esq.
Latham & Watkins LLP
885 Third Avenue
New York, New York 10022
Counsel to Defendant Ernst & Young U.S., LLP

Jonathan P. Bach, Esq.
Cooley Godward Kronish LLP
1114 Avenue of the Americas
New York, New York 10036
Counsel to Defendant Joseph Collins
Charles E. Clayman, Esq.
Clayman & Rosenberg
305 Madison Avenue, Suite 1301
New York, New York 10165
Counsel to Defendant Paul Koury

Jeffrey T. Golenbock, Esq.
Golenbock Eiseman Assor Bell &
Peskie LLP
437 Madison Avenue
New York, New York 10022-7302
*Counsel to Defendants Phillip R. Bennett
and Refco Group Holdings Inc.*

Barbara Moses, Esq.
Morvillo, Abramowitz, Grand, Iason,
Anello, & Bohrer, P.C.
565 Fifth Avenue
New York, New York 10017
Counsel to Defendant Robert C. Trosten

Laura Neish, Esq.
Zuckerman Spaeder LLP
1540 Broadway, Suite 1604
New York, New York 10036
Counsel to Defendant Tone Grant

Scott E. Hershman, Esq.
Hunton & Williams LLP
200 Park Avenue
New York, New York 10166-0091
Counsel to Defendant Santo C. Maggio

Helen B. Kim, Esq.
Katten Muchin Rosenman LLP
2029 Century Park East
Suite 2600
Los Angeles, California 90067-3012
Counsel to Defendant Dennis Klejna

John D. Tortorella, Esq.
Marino Tortorella PC
437 Southern Boulevard
Chatham, New Jersey 07928
*Counsel to Defendants Liberty Corner
Capital Strategies, LLC and William T. Pigott*

Veronica E. Rendon, Esq.
Arnold & Porter LLP
399 Park Avenue
New York, New York 10022-4690
*Counsel to Defendants Eric M. Flanagan,
EMF Financial Products, LLC
and Delta Flyer Fund, LLC*

Christopher Sugrue
Av. Amilar Cabral No 110-2
Ed. Sonangol Distribuidora
Luanda, Angola
Robert F. Wise, Jr., Esq.

Davis Polk & Wardell
450 Lexington Avenue
New York, New York 10017
*Counsel to Defendants Ingram Micro Inc.
and CIM Ventures, Inc.*

Aaron E. Albert, Esq.
Fischer Porter Thomas & Reinfeld, P.C.
180 Sylvan Avenue, 2nd Floor
Englewood Cliffs, NJ 07632
*Counsel to Defendants Beckenham Trading Co. Inc.
and Andrew Krieger*

Brian Woo Hyon Song, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022
and
James C. Joslin, Esq.
Micah E. Marcus, Esq.
Reed S. Oslan, Esq.
Kirkland & Ellis LLP
200 East Randolph Street
Chicago, IL 60601
*Counsel to Defendants Coast Asset Management LLC
f/k/a Coast Asset Management LP and CS Land Management, LLC*

Ronald M. Lepinkas, Esq.
DLA Piper
203 North LaSalle Street, Suite 1900
Chicago, Illinois 60601-1293
Counsel to Defendant Christopher Petitt

Jared R. Clark, Esq.
Bingham McCutchen LLP
399 Park Avenue
New York, New York 10022-4689
*Counsel to Defendants Refco Associates, Inc.
and Refco Alternative Investments LLC*

Thomas Hackl
Acies Asset Management S.A.
118 Rue du Rhône
1204 Geneve Switzerland

Mark Kavanagh
Ballyorney House
Waterfall Road
Enniskerry
County Wicklow, Ireland

Brian Owens
2 Beresford Green
Griffith Avenue
Dublin 9, Ireland

EMF Core Fund Ltd.
c/o Maples & Calder
PO Box 309, Ugland House
South Church Street, George Town
Grand Cayman KY1-1104
Cayman Islands

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
In re REFCO INC. SECURITIES LITIGATION	:	Case No. 07-md-1902 (GEL)
	:	
-----X	:	

This Document Relates to:

-----X	:	
KENNETH M. KRYS and CHRISTOPHER	:	
STRIDE, as JOINT OFFICIAL LIQUIDATORS	:	
of SPHINX LTD., SPHINX STRATEGY FUND	:	Case No. 08-cv-3065 (GEL)
LTD.;	:	Case No. 08-cv-3086 (GEL)
SPHINX PLUS SPC LTD., SPHINX	:	
DISTRESSED LTD., SPHINX MERGER	:	
ARBITRAGE LTD.; SPHINX SPECIAL	:	
SITUATIONS LTD., SPHINX MACRO LTD.;	:	
SPHINX LONG/SHORT EQUITY LTD.;	:	
SPHINX MANAGED FUTURES LTD.; SPHINX	:	[PROPOSED] ORDER
EQUITY MARKET NEUTRAL LTD.; SPHINX	:	AUTHORIZING SERVICE
CONVERTIBLE ARBITRAGE LTD.; SPHINX	:	OF SUMMONS AND
FIXED INCOME ARBITRAGE LTD.; SPHINX	:	COMPLAINT ON
DISTRESSED FUND SPC; SPHINX MERGER	:	DEFENDANT CHRISTOPHER
ARBITRAGE FUND SPC; SPHINX SPECIAL	:	SUGRUE PURSUANT TO
SITUATIONS FUND SPC; SPHINX MACRO	:	<u>FED. R. CIV. P. 4(f)(3)</u>
FUND SPC; SPHINX LONG/SHORT EQUITY	:	
FUND SPC; SPHINX MANAGED FUTURES	:	
FUND SPC; SPHINX EQUITY MARKET	:	
NEUTRAL FUND SPC; SPHINX	:	
CONVERTIBLE ARBITRAGE FUND SPC;	:	
SPHINX FIXED INCOME ARBITRAGE FUND	:	
SPC; PLUSFUNDS MANAGED ACCESS FUND	:	
SPC LTD.; KENNETH M. KRYS and	:	
CHRISTOPHER STRIDE as assignees of claims	:	
assigned by MIAMI CHILDREN'S HOSPITAL	:	
FOUNDATION, OFI, GREEN & SMITH	:	
INVESTMENT MANAGEMENT LLC, THALES	:	
FUND MANAGEMENT LLC, KELLNER	:	
DILEO & CO., LLC, MARTINGALE ASSET	:	
MANAGEMENT LP, LONGACRE FUND	:	
MANAGEMENT LLC, ARNHOLD & S.	:	
BLEICHROEDER ADVISERS LLC, PICTET &	:	
CIE, RGA AMERICA REINSURANCE	:	
COMPANY, DEUTSCHE BANK (SUISSE) SA,	:	

ARAB MONETARY FUND, HANSARD
INTERNATIONAL LTD., CONCORDIA
ADVISORS LLC, GABELLI SECURITIES, INC.,
CITCO GLOBAL CUSTODY; and JAMES
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK
KAVANAGH; BRIAN OWENS;
PRICEWATERHOUSECOOPERS L.L.P.; MARI
FERRIS; PRICEWATERHOUSECOOPERS
CAYMAN ISLANDS; GIBSON, DUNN &
CRUTCHER LLP; REFCO ALTERNATIVE
INVESTMENTS LLC; GRANT THORNTON
LLP; MARK RAMLER; ERNST & YOUNG U.S.
LLP; MAYER BROWN LLP f/k/a MAYER
BROWN ROWE & MAW LLP; JOSEPH
COLLINS; EDWARD S. BEST; PAUL KOURY;
PHILLIP R. BENNETT; ROBERT C. TROSTEN;
TONE GRANT; SANTO MAGGIO; THOMAS
HACKL; DENNIS KLEJNA; BAWAG P.S.K.
BANK FUR ARBEIT UND WIRTSCHAFT UND
OSTERREICHISCHE POSTPARKASSE
AKTIENGESELLSCHAFT; JP MORGAN
CHASE & CO.; CREDIT SUISSE SECURITIES
(USA) LLC f/k/a CREDIT SUISSE FIRST
BOSTON LLC; BANC OF AMERICA
SECURITIES LLC; THOMAS H. LEE
PARTNERS, L.P.; THOMAS H. LEE
ADVISORS, LLC; THL MANAGERS V, LLC;
THL EQUITY ADVISORS V, L.P.; THOMAS H.
LEE EQUITY FUND V, L.P.; THOMAS H. LEE
PARALLEL FUND V, L.P.; THOMAS H. LEE
EQUITY (CAYMAN) FUND V, L.P.; THOMAS
H. LEE INVESTORS LIMITED PARTNERSHIP;
1997 THOMAS H. LEE NOMINEE TRUST;
THOMAS H. LEE; DAVID V. HARKINS;
SCOTT L. JAECKEL; SCOTT A. SCHOEN;
WILLIAM T. PIGOTT; LIBERTY CORNER
CAPITAL STRATEGIES, LLC; EMF
FINANCIAL PRODUCTS LLC; EMF CORE
FUND LTD.; DELTA FLYER FUND LLC; ERIC
M. FLANAGAN; INGRAM MICRO, INC.; CIM

VENTURES, INC.; BECKENHAM TRADING :
CO., INC.; ANDREW KRIEGER; COAST :
ASSET MANAGEMENT, LLC, f/k/a COAST :
ASSET MANAGEMENT LP; CS LAND :
MANAGEMENT LLC; CHRISTOPHER :
PETTIT; and REFCO GROUP HOLDINGS, :
INC.; and REFCO ASSOCIATES, INC., :
: :
Defendants :
-----X

Upon the motion of plaintiffs Kenneth M. Krys, et al. ("Plaintiffs") for an order authorizing substituted service of the summons and complaint in this action on defendant Christopher Sugrue pursuant to Fed. R. Civ. P. 4(f)(3), Plaintiffs' Memorandum of Law in support thereof and the Declaration of Jessica C. Calagione and the exhibits thereto;

IT IS HEREBY ORDERED that Plaintiffs may serve Mr. Sugrue by international courier service at Av. Amilar Cabral No 110-2, Ed. Sonangol Distribuidora, Luanda, Angola and by electronic mail at chris.sugrue@yahoo.com.sg; and it is

FURTHER ORDERED that Plaintiffs shall serve Mr. Sugrue with a copy of this order along with the summons and complaint.

Dated: New York, New York
July __, 2008

Hon. Gerard E. Lynch
U.S.D.J.